

**CITY OF CLEWISTON
Regular Commission Meeting
January 23, 2012**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, January 23, 2012. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor Todd Buck gave the invocation and the AYSO U-12 Soccer team led the audience in the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Richard Miller, Commissioner Mali Gardner, Commissioner James Pittman and Commissioner Julio Rodriguez. Commissioner Joseph Miller was absent.

Personnel Present: City Manager Steve McKown, Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, City Engineer Tommy Perry, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Library Director Eric Tommerdahl, and City Attorney Charles Schoech.

Visitors Present: Jeff Barwick, Todd Buck, Yavo Garcia, Denise Hatton, John Hicks, Donald Hughes, Reva Marshall, Amy McKown, Curtis Pullen, and Mercedes Vary.

Mayor Miller welcomed and congratulated the AYSO U-12 Soccer Teams for winning the Sportsmanship Award at their recent games in Wellington. Mayor Miller stated that the sportsmanship award is the highest honor to come from the games and how proud the City is to have them represent us.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – Mayor Miller asked that the Discussion of the East Recreation Advisory Board be added as Agenda Item 9.1.

Public Comments – Yavo Garcia, representing the River Jr. soccer team came forward to voice some concerns with the conditions of the field the team plays on. She stated the team wanted a “home” field and would ask the City to supply restrooms, lights and water at the field. Ms. Garcia stated the team does not currently have permission to play on the field and they have a tournament coming up. Ms. Garcia asked that the City Commission consider her requests and allow the children to play at the field. She then stated the team would like to present the City with a trophy they won. A child came forward and stated that playing with his team has taught him to respect others and how to play and be friends. He said playing soccer makes them happy and keeps them from being troublemakers. Mayor Miller asked that team representatives talk with Recreation Director Lance Ramer.

1. Consent Agenda

- A. *City Commission Workshop Minutes – December 15, 2011*
- B. *City Commission Regular Meeting Minutes – December 19, 2011*
- C. *Love the Lake 5K Event Applications – requesting road closures*

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 4 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 2. Department of Economic Opportunity – CDBG Agreement** – The City has received a CDBG grant in the amount of \$700,000 and the Housing Rehabilitation Agreement needs approval and authorization for the Mayor to sign.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Housing Rehabilitation Agreement and authorize the mayor to sign. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

3. **Proclamation – Active Citizens for Children** – Mayor Miller stated this group is very active in our community and the City would like to recognize the things they do. After approval of the proclamation, Mayor Miller asked representatives of the group to come forward to accept the proclamation. Mayor Miller read the proclamation and Brenda Holcomb accepted it and thanked the City for their help and stated the ACFC could not do the things they do without the City and the citizens who help them.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the Proclamation for the ACFC. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

4. **Honeywell Presentation and Energy Services Audit Agreement** – Utilities Director McCarthy gave the Honeywell presentation at the workshop on January 19, 2012. He stated that additional information had been requested by and given to the Commission. He again stated that the City would only be committing \$125,000 and that would be paid only if the City does not move forward with the rest of the project which has a potential to send back to the City \$1.3M over a 15 year period. Commissioner Gardner asked if the City participated in the energy audits that were offered last year. Mr. McCarthy stated we did have some of the buildings done and that will reduce the scope of Honeywell's work some. Commissioner Gardner stated that a project was presented to the Commission in 2008 and we did not proceed with it because of the uncertainty of the future and she is concerned with the advances that will be made in technology in 15 years. Mr. McCarthy stated that some of it may be outdated, but it will still be useful. He stated the meter replacement is a big part of this project and they are good for 20 years.

Commissioner Pittman asked what the timeframe would be. Mr. McCarthy stated about 6 months for the detailed audit and that would be brought back to the Commission for approval of what works and makes sense. He stated it would take a couple of months to get the financing in line, and installation would start after that and continue for about one year. Mayor Miller stated this is a money saving venture for the City and will make us more efficient.

Utilities Director McCarthy stated that we can piggyback on the Port St. Lucie contract. City Attorney Schoech stated the advantage of piggybacking is the cost and time going out for bid and selecting and negotiating with bidders. He stated piggybacking is allowed and appropriate provided the contract was property bid. Commissioner Gardner stated she still has concerns that the City will have a drop in revenues again next year. Commissioner Rodriguez stated that our infrastructure is important but he is concerned with paying Honeywell for something we already know, such as air conditioners need replacing and buildings are old and in need of repair. He would like to see the City do a maintenance project in-house and not tie up City funds.

Commissioner Pittman stated that we are going to do the project eventually and Honeywell is guaranteeing our savings, and as a business person feels it is a "no brainer". He feels that the City should at least do the study. Utilities Director McCarthy stated the project will pay for itself and we do already know some of the basic things we can do, but we cannot do an AMI project without the help of a company such as Honeywell. This project will solve our meter problems and is guaranteed to pay for itself. Mr. McCarthy stated he does not have the expertise nor the time to do such a project, and Honeywell is guaranteeing to put \$1.3M in the City's pockets.

Mayor Miller stated this project is more encompassing than previous projects. He feels this project is needed more than ever because of the economy to reap the City the savings. He feels that the City will be more efficient with the project. Mayor Miller stated that any businessman would do this project as it does not put the City at risk.

Commissioner Pittman made a motion, (Mayor Miller passed the gavel to Commissioner Rodriguez at this time) seconded by Commissioner Richard Miller, to approve the Energy Services audit Agreement and authorize the City Manager to sign the agreement. Vote 2 yeas, 2 nays. (Commissioner Joseph Miller was absent.) (Commissioners Richard Miller and Pittman voted yea and Commissioners Gardner and Rodriguez voted nay.) Motion failed.

Commissioner Rodriguez passed the gavel back to Mayor Miller.

5. **Credit Card Usage Policy.** – City Manager McKown explained the two alternative policies presented to the Commission. Commissioner Gardner stated she wanted to be sure there are checks and balances, such as PA's or PO's, that the policy is absolute, and that if a credit card is used the employee does not receive any per diem. City Attorney Schoech stated that "double dipping" would be inappropriate and would be misuse of the credit card and per diem. He stated it can be added into the policy and Chapter 119 of Florida Statutes addresses this. Some discussion started on the reviewing of credit card statements and Mayor Miller stated that would be added as agenda item 9.2.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the Alternate Two Credit Card Usage Policy and to make certain that the wording from the FL Statutes Mr. Schoech referenced is included in it. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

6. **Travel Policy and Per Diem** – This policy is presented to the Commission for discussion, changes, and/or approval.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Per Diem Policy with only the Metro per diem included, subject to and in compliance with State per diem policy. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

7. **Discussion on Funding Scott Martin Challenge** – Last year, the City funded the Scott Martin Challenge in the amount of \$15,000. The Collins Centers also funded the Challenge in the amount of \$7,500 and the Hendry County TDC in the amount of \$5,000. City Manager McKown stated that the Collins Center will not be supporting any sponsorship and the City may want to consider this. Commissioner Gardner asked what is the impact and if it not for a public purpose she cannot support it. She would like more answers. Commissioner Rodriguez stated he would like for Scott to come and give us a presentation and tell the Commission what we will be receiving for our \$15,000. City Attorney Schoech stated that promoting the City would be considered a public purpose.

Commissioner Gardner made a motion, seconded by Commissioner Pittman to table this item. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

8. **Discussion on Abatement of Ad Valorem Property Taxes** – City Manager McKown stated that LaBelle is planning to put this issue to their voters as a referendum and let the voters decide if they want to abate the ad valorem property taxes for new businesses within the City. Mayor Miller stated that we are competing with other communities and we want to be in a position to compete. If businesses come to Clewiston, we will recoup the taxes.

Consensus of the Commission was to explore the possibility of putting the Abatement of Ad Valorem Property Taxes on the November ballot.

9. **Final Payment to Haleakala Construction** - City Attorney Schoech stated that he got involved in this matter because Haleakala got frustrated. He stated that if the documents that were required for final payment have been received, he feels that final payment should be made.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the final payment to Haleakala Construction in the amount of \$231,373.15 subject to the engineer complying with the contract, and the contractor signing the document which states payment does not constitute a waiver of claims by a third party. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

- 9.1. **Discussion of the East Recreation Advisory Board (ERAB)** – City Manager McKown read the letter regarding the creation of an ERAB from the County Administrator. Mr. McKown stated that several City Commissioners should be on this board.

Consensus of the Commission was Mayor Miller and Commissioner Gardner would serve as our representatives on the board, and the remaining three would serve as alternates to assure that we are represented at the meetings.

- 9.2. Discussion on Audit of 2011 City Credit Card Statements** – Mayor Miller stated that he went through the receipts of the credit card statements and he had a discussion with our auditor, David Miller, about the credit card charges. Finance Director Byrd stated that the auditor does credit card spot checks as part of the annual audit and he has an industry standard, but the purpose of an audit is not to detect fraud, but to check for weaknesses. Mayor Miller stated the audit will tell us what we already know and if the Commission feels that something is not right, that is a policy issue. Mr. Byrd stated that the Finance Department looks at every charge on the credit card statements. Commissioner Gardner asked if there is an expense report filed when a credit card is used. Mr. Byrd stated that the City does not require an expense report when there is a receipt.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to have an external audit performed of all 2011 credit card statements. Vote 2 yeas, 2 nays. (Commissioners Rodriguez and Gardner voted yea and Commissioners Richard Miller and Pittman voted nay.) (Commissioner Joseph Miller was absent.) Motion failed.

Commissioner Pittman stated that the City has honest people who do their job working for the City and he would rather see the City staff put a spread sheet together for the Commission. Commissioner Gardner stated that she feels we need a professional to do this work and let staff do their work. Commissioners Gardner and Rodriguez felt that an audit should not cost over \$2,000. Mayor Miller stated he is not in favor of spending the money to get this audit done. Commissioner Gardner stated there is only one credit card she has a problem with. She stated when she asked for expense reports, she got receipts. Commissioner Rodriguez stated he wants an audit because he has some concerns. City Attorney Schoech stated there has been no evidence of wrong doing and recommended that the audit be done.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to have the 2011 credit card statements audited by an outside auditor as soon as possible. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

- 10. Golf Course Presentation** – Director Pena gave an informational presentation.

- 11. Departmental Monthly Activity Reports** – Presented for information only.

FINANCIAL REPORT FROM THE FINANCE DIRECTOR – Finance Director Byrd

REPORTS FROM CITY MANAGER – None

REPORTS FROM THE CITY ATTORNEY – None

REPORTS FROM THE CITY COMMISSION – Commissioner Gardner asked City Attorney Schoech to look into the issue of the payment of the clothing allowance to assure that it does not violate any budget requirements, state law or the Charter. She also asked Mr. Schoech to look into the bonus payment that was given to the City Manager as she believes it was in violation of State law. She asked for an update on the incident at the Sugar Festival. City Attorney Schoech stated he will work on all of these issues and would prefer to give the findings in writing on the clothing allowance and the bonus payment. Mayor Gardner asked Mr. Schoech to review the Charter as she believes the checks and balances were taken out of the new charter. Commissioner Gardner asked for a copy of the 5 year capital improvement projects.

Commissioner Pittman asked about the status of the temporary parking lot at the hospital. City Manager McKown stated he has spoken to Mr. Beasley at the hospital and City Engineer Perry stated he will bring it up at a meeting on Tuesday.

Mayor Miller stated that City staff is doing a great job and the City is being run very well. He reminded the audience that the FLW Tournament will be in town February 9 – 12 and it is the biggest event for the City and County. Please welcome the fishermen.

County Commissioner Karson Turner asked if the City had made a decision on the East Rec Advisory Board and how the City envisions this moving forward. Commissioner Pittman stated we had discussed it but needed to know how it is going to be funded, and that is more of a county question. Mr. Turner asked about the Scott Martin Challenge and how the City was going to fund it. Mr. Turner was told the City is requesting more information from Mr. Martin.

Mr. Tracy Bethea came forward and asked that the City allow him to buy or lease the 20 ft easement adjoining his property. He stated he did build a carport on the easement but would like to try to remedy it by buying or leasing the property. Staff will look into the matter and see if a remedy can be found.

Adjournment:

The meeting was adjourned at 8:35 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk